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May 31, 2006

<u>Via Electronic Delivery</u>
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ex parte presentation in Docket No. 96-45

Madame Secretary:

Yesterday, several persons participated in discussions with Thomas Navin, Chief, Wireline Competition Bureau, Thomas Buckley, Acting Legal Counsel to the Bureau Chief, Amy Bender of the Wireline Competition Bureau and Jeremy Marcus of the Wireline Competition Bureau. At such meeting, an oral presentation was provided to Commission personnel regarding the proceeding which was initiated by the Commission on January 12, 2006. (see CC Docket No. 96-45, Wireline Competition Bureau Initiates Proceeding to Consider Petitions to Redefine Certain Rural Telephone Company Service Areas in the State of Iowa, DA 06-54, WCB Jan. 12, 2006). In addition, a written presentation was provided to participants. A copy of the written presentation is attached hereto.

Non-Commission attendees were present both in-person and by teleconference. In person appearances were made by the undersigned counsel. Teleconference attendees included the following:

Iowa Utilities Board - David J. Lynch, General Counsel and James R. Langenberg; and

RSA 7 Limited Partnership, Iowa 8 - Monona Limited Partnership, and Iowa RSA 10 General Partnership - Michael G. Kulik and Robert F. Holz, Jr., Iowa counsel.

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Marlene H. Dortch, Secretary Federal Communications Commission May 31, 2006 Page 2

Any questions regarding the ex parte presentation may be directed to the undersigned.

Yours very truly,

Counsel to Midwest Wireless Iowa, L.L.C.

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cc: Thomas Navin (by electronic delivery)

Thomas Buckley (by electronic delivery)
Amy Bender (by electronic delivery)

Jeremy Marcus (by electronic delivery)

Counsel to RSA 7 Limited Partnership, Iowa 8 - Monona Limited Partnership, and Iowa

RSA 10 General Paring ship

kaymond J. Quianzon

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1300 North Seventeenth Street

Arlington, Virginia 22209

Presentation to Thomas Navin Chief, Wireline Competition Bureau

Tuesday, May 30, 2006

Regarding Petitions of:

Midwest Wireless Iowa, L.L.C.

and

RSA 7 Limited Partnership, Iowa 8 – Monona Limited Partnership, and Iowa RSA 10 General Partnership

For FCC Concurrence with Redefining Rural Telephone Company Service Areas in Iowa Pursuant to 47 C.F.R. § 54.207(c)

> CC Docket No. 96-45 DA 06-54

Iowa Redefinition Timeline

August 2002 IUB designates Midwest Wireless Iowa L.L.C. as an ETC

October 2002 Midwest files petition with IUB for redefinition of rural ILEC service areas

March 2003 IUB suspends Midwest's petition pending outcome of rulemaking proceeding

August 2003 IUB solicits comment on proposed rule on wireless ETC service areas

October 2003 Midwest files new petition with request to process during pendency of rulemaking

May 2004 IUB adopts rule defining wireless ETC service area as the carrier's FCC-licensed area

September 2004 IUB designates Iowa RSAs 7-8-10 as an ETC

April 2005 IUB dismisses Midwest's redefinition petition without prejudice in light of new rule

May 2005 Wireless service area rule takes effect

September 2005 Iowa RSAs 7-8-10 files petition for FCC concurrence

October 2005 Public Notice re: Iowa RSAs 7-8-10 petition. IUB and Midwest file in support; none oppose

November 2005 Midwest files petition for FCC concurrence

December 2005 Public Notice re: Midwest petition. IUB and RSAs 7-8-10 file in support; none oppose

January 2006 Public Notice initiating proceeding re: both petitions. IUB, Midwest, and Iowa RSAs 7-8-10 reiterate support for both petitions; no comments filed in opposition

Key Facts About Iowa Service Area Redefinition

- Based on the IUB's latest high-cost certification to USAC, there are 160 rural LECs in Iowa. This is by far the largest number of rural LECs in any state; no other state even comes close, the next highest totals belonging to Wisconsin (89) and Minnesota (85).
- At least 20 wireless carriers have been designated as competitive ETCs in Iowa, covering a patchwork of overlapping areas consisting of all or virtually all of Iowa.
- Iowa's wireless service area rule: "In the case of a wireless telecommunications carrier, 'service area' means that area where the wireless company has been licensed by the FCC to provide service."
- According to the IUB, the wireless service area rule "is intended to redefine the term 'service area' as it pertains to wireless carriers and to increase the availability of wireless ETC status."
- The IUB indicated that the wireless service area rules "adequately address creamskimming concerns and reflect a well-reasoned administrative procedure that is specific to the *unique requirements and characteristics of Iowa*."
- The FCC's core ETC policies are being upheld in Iowa. In April 2006, the IUB held a public hearing to consider the adoption of ETC designation and annual certification rules modeled after the rules adopted in the FCC's March 17, 2005, Report and Order.
- No party opposes the petitions by Midwest and Iowa RSAs 7-8-10 for FCC concurrence.